

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

LEONA VICTORS (EMENYONU), et

al.

Plaintiffs,

v.

WENDY A. KRONMILLER, et al.

Defendants

Civil No.: JFM-07-02282

FILED
U.S. DISTRICT COURT
DISTRICT OF MARYLAND

DEC 19 2007

CLERK'S OFFICE
AT BALTIMORE

BY DEPUTY

DEFENDANTS' RESPONSE TO PLAINTIFFS' MOTION TO STRIKE ANSWER OF
DEFENDANT CROSSON, RESPONSE TO MOTION TO DISMISS OF DEFENDANT
CROSSON, AND REQUEST FOR ATTORNEY'S FEES

James F. Crosson (Defendant) hereby submits his response to
PLAINTIFFS' MOTION TO STRIKE ANSWER OF DEFENDANT CROSSON,
RESPONSE TO MOTION TO DISMISS OF DEFENDANT CROSSON, AND REQUEST
FOR ATTORNEY'S FEES, as follows:

- I. Defendant, Crosson was not served in a timely manner.
- II. Defendant, Crosson did not evade service. See attached Affidavit of James F. Crosson (the "Affidavit") Para. 1.
- III. Defendant, Crosson willingly accepted service the first time service was attempted at an address Defendant Crosson held. See Affidavit, Para. 2.
- IV. Plaintiffs listed 73 Franklin Street, Annapolis, Maryland, 21401 as the address for Defendant Crosson in their Complaint. The Defendant Crosson never gave this address to Plaintiffs and has not used this address since

2005. This is a very old address which Defendant Crosson no longer had or used in 2006 when Defendant Crosson first met Plaintiff Leona Victors (Emenyonu). See Affidavit, Para. 3.

V. Crosson gave Emenyonu the address and mobile phone number of Defendant, Crosson at the stock and membership interest sale of Home Care, Inc. and 25548 Hill Road, LLC in June 2006. Both the address and the phone number given are still active and correct. See Affidavit, Para. 4.

VI. Since June, 2006, Defendant Crosson has received emails and phone calls from Leona Victors (Emenyonu), her staff and her attorney, Marty King who have all had the Defendants' correct information. See Affidavit, Para. 5.

VII. Plaintiffs could have obtained Defendant, Crossons' address, phone number and/or email from the State Defendants, her broker, her staff, her attorney or her bank. See Affidavit, Para. 6.

VIII. Defendant, James F. Crosson forwarded Plaintiffs' mail, which was addressed to Defendant Crossons' address, for over a year to Plaintiffs and encouraged Plaintiff to submit a change of address card to her local U.S. Post Office. See Affidavit, Para. 7.

IX. Defendant, Crosson respectfully continues to contend that this court does not have jurisdiction over the claims filed by Plaintiffs Leona Victors (Emenyonu), et al. against Defendant Crosson and awaits this courts ruling on Defendant Crossons' prior Motion to Dismiss.

1 For all these reasons, Defendant, James F. Crosson, requests the
2 Court: A. Dismiss the plaintiffs' Motion to Strike; B. Grant
3 Defendant James F. Crosson's Motion to Dismiss; C. Deny
4 Plaintiffs' request for attorney's fees in responding to
5 Defendant Crosson's Answer and Motion to Dismiss; D. Order that
6 Defendant Crosson's time to respond to the complaint against him
7 begin from the date of service; E. Award sanctions against the
8 Plaintiffs and their counsel; and F. for such other relief as is
9 appropriate.

10
11 Respectfully Submitted,

12 **JAMES F. CROSSON,**
13 **DEFENDANT**

14 /s/

15 James F. Crosson,
16 Defendant
17 600 Melvin Avenue, Ste.
18 9
19 Annapolis, MD 21401
20 Ph: 410-353-2968
21 Fax: 410-990-9119
22 E-mail:
23 jimcrosson@mac.com
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of December, 2007, copies of Defendants' Motion to Dismiss was filed with the Clerk of the Court and served via first class mail postage prepaid to the following:

THE HONORABLE J. FREDERICK MOTZ
United States District Court
For The District Of Maryland
101 West Lombard Street
Baltimore, MD 21201

LEONA VICTORS (EMENUONU)
25548 Hill Road
Greensboro, MD 21639

HOME CARE, INC. d/b/a/
LEONA'S HEART ASSISTED LIVING
25548 Hill Road
Greensboro, MD 21639

MICHAEL R. CARITHERS, JR., ESQUIRE
BROWN & SHEEHAN, LLP
One South Street - 23rd Floor
Baltimore, MD 21202

WENDY A. KRONMILLER
MARYLAND DEPARTMENT OF HEALTH & MENTAL HYGIENE
OFFICE OF HEALTH CARE QUALITY
Spring Grove Center
55 Wade Avenue
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JANE WESSLEY
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BARBARA SHANNON
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1 ED SADLER
2 MARYLAND DEPARTMENT OF AGING
3 100 Schaubert Road
4 Chestertown, MD 21620

5 HONORABLE DOUG GANSLER ATTORNEY GENERAL
6 200 St. Paul Place
7 Baltimore, MD 21202

8 KATHLENE A. ELLIS, ASSISTANT ATTORNEY GENERAL
9 MARYLAND OFFICE OF THE ATTORNEY GENERAL
10 300 West Preston Street, Suite 207
11 Baltimore, MD 21201

12 BRETT BIERER, ASSISTANT ATTORNEY GENERAL
13 MARYLAND OFFICE OF THE ATTORNEY GENERAL
14 300 West Preston Street, Suite 207
15 Baltimore, MD 21201

16 /s/
17 James F. Crosson,
18 Defendant
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AFFIDAVIT OF JAMES F. CROSSON

I, James F. Crosson (Defendant), hereby swear under the penalties of perjury that the facts set forth in this Affidavit are true and correct

1. I did not evade service.

2. I willingly accepted service, to the best of my knowledge, the first time service was attempted at my office address.

3. Plaintiffs listed 73 Franklin Street, Annapolis, Maryland, 21401 as my address in their Complaint. I never gave this address to Plaintiffs and I have not used this address since 2005. This is a very old address which I no longer had or used in 2006 when I first met Plaintiff Leona Victors (Emenyonu).

4. I gave my address and mobile phone number to Leona Victors (Emenyonu), Marty King, her attorney, Mike Minnig, the broker, Leona Victors (Emenyonu)s' bank and Leona Victors (Emenyonu)s' consultant from the Small Business Administration, at the time I sold my stock of Home Care, Inc. and membership interest in 25548 Hill Road, LLC to Leona Victors (Emenyonu) in June 2006. Both the address and the phone number I gave are still active and correct.

5. I have received emails and phone calls within the past 14 months from Plaintiff Leona Victors (Emenyonu), her staff, and her attorney, Marty King, all of whom have had my correct information.

6. Plaintiffs could have obtained my address, phone number and/or email from the State Defendants, her staff, her

1 broker, her consultant, her attorney or her bank, all of
2 whom have contacted me without any problem.

- 3 7. After settlement of the stock and membership sale in
4 June, 2006, I gave Plaintiffs instructions on how to file
5 a change of address card with her local U.S. Post Office
6 and for several months after the sale, myself and my
7 staff continued to encourage Plaintiff and her staff to
8 file a change of address form. I continued for over one
9 year to forward Plaintiffs' mail to Plaintiff, that was
10 sent to my address.

11
12
13  12/18/07
14 James F. Crosson Date

James F. Crosson

700 Melvin Avenue, Suite 9

Annapolis, MD 21403

T 410-337-2968

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jfmcrosson@hmc.com

December 18, 2007

United States District Court
For The District Of Maryland
101 West Lombard Street
Baltimore, MD 21201

Case No. JFM 07 CV 2282

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Dear Clerk,

Enclosed please find: A. Defendants' Response to Plaintiffs' Motion to Strike Answer of Defendant Crosson, Response to Motion to Dismiss of Defendant Crosson, and Request for Attorney's Fees, B. Affidavit of James F. Crosson and, C. Defendant's Motion to Disqualify and Remove Plaintiffs' Counsel Against Defendant James F. Crosson.

Thank you for your time and attention.

Sincerely yours,



James F. Crosson

cc: attached list

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